

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1002

Introduced by Assembly Member Nava

February 22, 2005

An act to ~~amend Section 1801 of~~ add Section 3004.5 to the Fish and Game Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1002, as amended, Nava. Wildlife conservation: *nonlead ammunition*.

(1) *Existing law regulates the taking of birds and mammals and prohibits the taking of specified nongame birds. Existing law permits the Department of Fish and Game to preserve the California condor, and requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species.*

This bill would prohibit the possession of any ammunition other than nonlead ammunition when hunting within the known or likely range of the California condor, as determined by the commission. The bill would require the commission to establish, by regulation, a schedule for the phase-in of a requirement for the use of nonlead ammunition, including bullets and shot, for all other hunting within the state. The bill would require the phase-in to be completed by January 1, 2009. The bill would require the commission to establish a public process to certify ammunition as nonlead ammunition, and to define nonlead ammunition. The bill would state the Legislature's intent to protect vulnerable wildlife species, as provided.

(2) *Existing law generally provides that a violation of the fish and game laws is a crime.*

This bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the conservation of wildlife resources, including birds, mammals, and reptiles not raised in captivity. Existing law declares, as the policy of the state, the encouragement of the preservation, conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state, and sets forth objectives to be included in the policy.~~

~~This bill would make technical, nonsubstantive changes in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1801 of the Fish and Game Code is~~
2 ~~amended to read:~~

3 ~~SECTION 1. It is the intent of the Legislature to protect~~
4 ~~vulnerable wildlife species, including the California condor, a~~
5 ~~federally listed endangered species and a state listed endangered~~
6 ~~and fully protected species, the bald eagle, a federally listed~~
7 ~~threatened species and a state listed endangered and fully~~
8 ~~protected species, and the golden eagle, a state species of special~~
9 ~~concern and fully protected species, from the ongoing threat of~~
10 ~~lead poisoning.~~

11 ~~SEC. 2. Section 3004.5 is added to the Fish and Game Code,~~
12 ~~to read:~~

13 ~~3004.5. (a) It is unlawful for any person to have possession~~
14 ~~of any ammunition other than nonlead ammunition, as defined by~~
15 ~~the commission, when hunting within the known or likely range~~
16 ~~of the California condor, as determined by the commission.~~

17 ~~(b) The commission shall, by regulation, establish a schedule~~
18 ~~for the phase-in of a requirement for the use of nonlead~~
19 ~~ammunition, including bullets and shot, for all hunting within the~~

1 state not subject to subdivision (a). The phase-in process shall be
2 completed no later than January 1, 2009.

3 (c) The commission shall, by regulation, establish a public
4 process to certify ammunition as nonlead ammunition, and shall,
5 by regulation, define nonlead ammunition as including only
6 ammunition in which lead content is unavailable to wildlife that
7 may consume all or a fragment of the ammunition.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.

17 ~~1801. It is hereby declared to be the policy of the state to~~
18 ~~encourage the preservation, conservation, and maintenance of~~
19 ~~wildlife resources under the jurisdiction and influence of the~~
20 ~~state. This policy shall include the following objectives:~~

21 ~~(a) To maintain sufficient populations of all species of wildlife~~
22 ~~and the habitat necessary to achieve the objectives stated in~~
23 ~~subdivisions (b), (c), and (d).~~

24 ~~(b) To provide for the beneficial use and enjoyment of wildlife~~
25 ~~by all citizens of the state.~~

26 ~~(c) To perpetuate all species of wildlife for their intrinsic and~~
27 ~~ecological values, as well as for their direct benefits to all~~
28 ~~persons.~~

29 ~~(d) To provide for aesthetic, educational, and nonappropriative~~
30 ~~uses of the various wildlife species.~~

31 ~~(e) To maintain a multitude of recreational uses of wildlife,~~
32 ~~including the sport of hunting, as proper uses of certain~~
33 ~~designated species of wildlife, subject to regulations consistent~~
34 ~~with the maintenance of healthy, viable wildlife resources, the~~
35 ~~public safety, and a quality outdoor experience.~~

36 ~~(f) To provide for economic contributions to the citizens of the~~
37 ~~state, through the recognition that wildlife is a renewable~~
38 ~~resource of the land by which economic return can accrue to the~~
39 ~~citizens of the state, individually and collectively, through~~
40 ~~regulated management. Such management shall be consistent~~

1 ~~with the maintenance of healthy and thriving wildlife resources~~
2 ~~and the public ownership status of the wildlife resources.~~
3 ~~(g) To alleviate economic losses or public health or safety~~
4 ~~problems caused by wildlife to the people of the state either~~
5 ~~individually or collectively. Such resolution shall be in a manner~~
6 ~~designed to bring the problem within tolerable limits consistent~~
7 ~~with economic and public health considerations and the~~
8 ~~objectives stated in subdivisions (a), (b) and (c).~~
9 ~~(h) It is not intended that this policy shall provide any power~~
10 ~~to regulate natural resources or commercial or other activities~~
11 ~~connected therewith, except as specifically provided by the~~
12 ~~Legislature.~~